

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

ERIK LUNA, <i>et al.</i> ,)	
)	
Plaintiffs,)	Case No. 18-cv-05165
)	
v.)	Hon. Harry D. Leinenweber
)	
4C KINZIE INVESTOR LLC, <i>et al.</i>)	
)	
Defendants.)	

JOINT STATUS REPORT AND CASE MANAGEMENT PROPOSAL

Pursuant to the Northern District of Illinois Third Amended General Order 20-0012, April 24, 2020, and this Court’s order of April 27, 2020 (Dkt. # 85), the parties submit this joint status report and case management proposal:

(a) Progress of Discovery.

Both parties have propounded written discovery. Defendants have answered written discovery and produced 263,593 documents and created and produced roughly 700 Excel spreadsheets. By order of the Court, Defendants’ discovery responses are limited to one establishment—“Benchmark”—of approximately fifteen of the bars and restaurants at issue in this case.

In light of the several extensions of time set forth in Northern District of Illinois General Order 20-0012 (and the subsequent amendments thereto), Plaintiffs have not answered written discovery which was served by Defendants on February 28, 2020. However, Plaintiffs will timely respond to Defendants’ written discovery requests when they become due.

Plaintiffs have issued 68 deposition notices—2 for each Defendant—pursuant to Federal Rule of Civil Procedure 30(b)(6). However, Plaintiffs anticipate that the actual number of depositions will be significantly less in number. Defendants have served objections and responses

to Plaintiffs' Rule 30(b)(6) notices. Plaintiffs intend to notice additional depositions of the two individual Defendants, managers at each of the bars and restaurants at issue in this case, and other fact witnesses. Defendants will consider the notices and respond appropriately on receipt, including by objecting as appropriate, and Defendants specifically preserve all objections thereto.

Defendants have issued deposition notices to each named Plaintiff. Plaintiffs have objected to conducting depositions of named Plaintiffs who did not work at Benchmark, unless Defendants provide discovery responses relative to the bars and restaurants where these Plaintiffs worked. Defendants feel the objection is inappropriate and the parties are attempting to resolve the dispute through the meet and confer process.

At this time, no depositions have occurred. The parties continue to attempt to resolve their discovery disputes through numerous "meet and confer" conferences before bringing any further discovery motions.

(b) Status of Briefing Any Unresolved Motions.

There are no pending unresolved motions.

(c) Settlement Efforts.

The parties have not yet had settlement discussions.

(d) Agreed Proposed Schedule (or Alternative Proposals) for the Next 45 Days.

The parties stipulate that Plaintiffs will produce documents and electronically stored information ("ESI") and provide written responses to Defendants' discovery responses by June 8, 2020. The parties also agree to "meet and confer" regarding their disputes concerning the disputed depositions by June 8, 2020, and if they cannot resolve those disputes, will file appropriate motions with the Court in a timely manner. The parties agree to schedule and complete all previously-scheduled depositions which are not in dispute by July 31, 2020.

(e) Agreed Proposed Revised Discovery and Dispositive Motion Schedule (or Alternative Proposals) in Cases Where the Current Schedule Needs Revision.

There currently is no schedule in place in this case for close of discovery, expert discovery, dispositive motions.

(f) Request Any Agreed Action That the Court Can Take Without a Hearing.

None.

(g) State Whether the Parties Believe a Telephonic Hearing With The Judge Is Necessary and Time Urgent, and, If So, Identify the Issue That Warrants Discussion.

None.

Date: May 18, 2020

By Defendants:

/s/ Daniel W. Tarpey
Daniel W. Tarpey
David G. Wix
Matthew M. Showel
TARPEY WIX LLC
225 West Wacker Drive, Suite 1515
Chicago, Illinois 60606
(312) 948-9090
dtarpey@tarpeywix.com
dwix@tarpeywix.com
mshowel@tarpeywix.com

Counsel for Defendants

By Plaintiffs:

/s/ Thomas A. Zimmerman, Jr.
Thomas A. Zimmerman, Jr.
Matthew De Re
Sharon A. Harris
ZIMMERMAN LAW OFFICES, P.C.
77 W. Washington Street, Suite 1220
Chicago, Illinois 60602
(312) 440-0020
tom@attorneyzim.com
matt@attorneyzim.com
sharon@attorneyzim.com

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that on May 18, 2020, I electronically filed the Joint Status Report and Case Management Proposal with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to all counsel of record.

/s/ Daniel W. Tarpey

Daniel W. Tarpey
Tarpey Wix LLC
225 W. Wacker Drive, Suite 1515
Chicago, IL 60606
(312) 948-9090
dtarpey@tarpeywix.com
Attorney for Defendants